

MINUTES OF THE CANANDAIGUA CITY COUNCIL MEETING  
THURSDAY, AUGUST 1, 2019 7:00 P.M.  
City Council Chambers  
Hurley Building – 205 Saltonstall St., Canandaigua NY  
City Website: canandaiguanewyork.gov

**Pledge of Allegiance:**

**Roll Call:**

**Members Present:** Councilmember Ward 1 Nick Cutri  
Councilmember Ward 2 Robert Palumbo  
Councilmember Ward 3 Karen White  
Councilmember Ward 4 Renée Sutton  
Councilmember-at-Large Robert O'Brien  
Councilmember-at-Large James Terwilliger  
Councilmember-at-Large Stephen Uebbing  
Mayor Ellen Polimeni

**Absent:** Councilmember-at-Large David Whitcomb (Arrived 7:03 P.M.)

**Also Present:** City Manager, John Goodwin  
City Clerk-Treasurer Nancy C. Abdallah  
Corporation Counsel Terence Robinson, Boylan Code  
Assistant City Manager Rob Richardson

**Public Hearing: Ordinance Amending Chapters 585, 657, 748, 850 Entitled Solid Waste, Junked Vehicles, Housing Standards and Zoning of the Municipal Code**

Mayor Polimeni opened the public hearing at 7:01 P.M.

Natalya Hennings, Chapin St., had concerns about where the City property codes are. Has searched our code and did not find anything about property management. Talked to the City Manager and Mayor and was surprised to learn that we did have property management codes and was told the City adopted NYS' s Uniform Codes. Has sent several pictures to the City of rental properties around her property with many property maintenance issues. Although she has brought this to the attention of Code enforcement many times the issues still remain.

Mayor Polimeni had Corporation Counsel Terence Robinson explain that this particular ordinance is about changing the method of mailing of required notices by the City from certified mail to regular mail.

City Manager John D. Goodwin stated that many of the issues have been addressed by Code Enforcement or in process of being resolved. She would like a link to the property codes on the NYS website.

Mayor Polimeni closed the public hearing at 7:14 P.M.

**Review of Community Core Values:** Councilmember Ward 4 Sutton read the Community Core Values: As residents, city staff and appointed & elected officials of the City of Canandaigua, our decisions and actions will be guided by these core values: Responsive, Participatory Governance; Caring & Respect; Integrity; Heritage; Stewardship; and Continuous Improvement.

**Approval of Minutes:** July 11, 2019:

Moved: Councilmember-at-Large Terwilliger  
Seconded: Councilmember Ward 4 Sutton  
*Vote Result: Carried unanimously by voice vote (9-0)*

**Recognition of Guests:** None

**Committee Reports:** No Committee Reports

**Resolutions:**

**Resolution #2019-064**

Moved: Councilmember-at-Large O'Brien  
Seconded: Councilmember Ward 3 White

**A RESOLUTION DECLARING A USED AND UNWANTED  
CITY VEHICLE SURPLUS**

**WHEREAS**, there exists a used and unwanted vehicle, so noted on the attached list, that are no longer essential to the operations of the City of Canandaigua; and

**WHEREAS**, it is necessary to declare as surplus the vehicle on the attached list such that they may be sold at public auction, via sealed bid, or as trade ins; and

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Canandaigua hereby declares as surplus the vehicles contained on the attached list and they are to be sold to the highest bidder at a public auction, through sealed bids or to be traded in on future equipment purchases pursuant to City and State purchasing guidelines.

*The motion CARRIED UNANIMOUSLY on the following vote:*

*AYES: Council Member Ward 1 Cutri, Council Member Ward 2 Palumbo, Councilmember Ward 3 White, Councilmember Ward 4 Sutton, Councilmember-at-Large O'Brien, Councilmember-at-Large Uebbing, Councilmember-at-Large Terwilliger, Councilmember-at-Large Whitcomb and Mayor Polimeni.*

*NOES: None*

**Resolution #2019-065**

Moved: Council Member Ward 2 Palumbo  
Seconded: Councilmember Ward 4 Sutton

**A RESOLUTION SETTING THE TIME AND PLACE OF A PUBLIC HEARING ON LOCAL LAW  
No. 1 OF 2019 RELATIVE TO AUTHORIZING A PROPERTY TAX LEVY IN EXCESS OF THE  
LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW §3-C**

**WHEREAS**, Section 3.14 of the Canandaigua City Charter and Section 20 of the Municipal Home Rule Law requires a public hearing on a proposed local law;

**NOW, THEREFORE, BE IT RESOLVED** by City Council that a public hearing regarding Local Law No. 1 of 2019 relative to a local law authorizing a property tax levy in excess of the limit established in

General Municipal Law §3-c, shall be held in the City Council Chambers at The Hurley Building, 205 Saltonstall Street, Canandaigua, New York during the meeting held at 7:00 p.m. on September 5, 2019; and

**BE IT FURTHER RESOLVED**, that the City Clerk shall cause notice to be given as required by Section 3.14 of the Canandaigua City Charter and Section 20 of the Municipal Home Rule Law.

*Vote Result: Carried unanimously by voice vote (9-0)*

**Executive Session:**

Councilmember-at-Large Uebbing moved to close the regular meeting to go into Executive Session at 7:32 PM to discuss the work history of an individual. Councilmember Ward 4 Sutton seconded the motion.

*Vote Result: Carried unanimously by voice vote (9-0)*

**Regular Session:**

Councilmember-at-Large Terwilliger moved to close the executive session and return to the regular meeting at 7:31 PM. Councilmember-at-Large Whitcomb seconded the motion.

*Vote Result: Carried unanimously by voice vote (9-0).*

**Resolution #2019-066**

Moved: Councilmember Ward 3 White

Seconded: Council Member Ward 2 Palumbo

**A RESOLUTION AUTHORIZING ADDITIONAL SICK LEAVE FOR AN EMPLOYEE**

**WHEREAS**, sick leave is provided to employees to protect employees against financial hardship due to loss of wages during illness; and

**WHEREAS**, as such, sick leave is considered to be an insurance against hardship rather than a benefit to which an employee is automatically entitled, and City employees shall accumulate sick leave at the rate of one (1) day for each full month of service; and

**WHEREAS**, recently, an employee who has only been with the City for a brief period of time suffered a medical event that will cause the individual to miss more sick leave than the employee has accrued; and

**WHEREAS**, in certain situations, documented by a physician's certification of medical disability, and after all sick leave credit, plus accrued compensatory time, personal leave and vacation leave have been used, an employee may receive additional sick leave at one-half (1/2) pay; and

**WHEREAS**, the maximum duration of one-half (1/2) pay status shall not exceed three (3) months for employees with one (1) to five (5) years continuous service, nor exceed six (6) months one-half (1/2) pay status for any employee deemed eligible who has five (5) years or more continuous service; and

**WHEREAS**, this is subject, however, to the recommendation of the Department Head and City Manager, and approval of the City Council; and

**WHEREAS**, considering the unforeseen nature of these circumstances, both the Department Head and the City Manager recommend City Council approve additional sick leave for the employee;

**NOW, THEREFORE, BE IT RESOLVED**, that City Council hereby approves additional sick leave at one-half pay for the appropriate duration for the City of Canandaigua employee in need.

*The motion CARRIED UNANIMOUSLY on the following vote:*

*AYES: Council Member Ward 1 Cutri, Council Member Ward 2 Palumbo, Councilmember Ward 3 White, Councilmember Ward 4 Sutton, Councilmember-at-Large O'Brien, Councilmember-at-Large Uebbing, Councilmember-at-Large Terwilliger, Councilmember-at-Large Whitcomb and Mayor Polimeni.*

*NOES: None*

## **Ordinances:**

**Ordinance #2019-003:** *(Tabled at the July 11, 2019 Council Meeting)*

### **AN ORDINANCE AMENDING CHAPTERS 585, 657, 748, 850 ENTITLED SOLID WASTE, JUNKED VEHICLES, HOUSING STANDARDS AND ZONING OF THE MUNICIPAL CODE**

Lifted from the Table: Councilmember-at-Large Whitcomb

Seconded: Council Member Ward 2 Palumbo

*Vote: Vote Result: Carried unanimously by voice vote (9-0)*

Moved for adoption: Councilmember-at-Large Whitcomb

Seconded: Councilmember Ward 4 Sutton

*The motion CARRIED UNANIMOUSLY on the following vote:*

*AYES: Council Member Ward 1 Cutri, Council Member Ward 2 Palumbo, Councilmember Ward 3 White, Councilmember Ward 4 Sutton, Councilmember-at-Large O'Brien, Councilmember-at-Large Uebbing, Councilmember-at-Large Terwilliger, Councilmember-at-Large Whitcomb and Mayor Polimeni.*

*NOES: None*

**Ordinance #2019-004:** *(Tabled at the July 11, 2019 Council Meeting)*

### **AN ORDINANCE AMENDING CHAPTER 648 OF THE MUNICIPAL CODE FOR A CORRECTION**

Lifted from the Table: Council Member Ward 1 Cutri

Seconded: Councilmember-at-Large Whitcomb

*Vote: Vote Result: Carried unanimously by voice vote (9-0)*

Moved for adoption: Council Member Ward 1 Cutri

Seconded: Council Member Ward 2 Palumbo

*The motion CARRIED UNANIMOUSLY on the following vote:*

*AYES: Council Member Ward 1 Cutri, Council Member Ward 2 Palumbo, Councilmember Ward 3 White, Councilmember Ward 4 Sutton, Councilmember-at-Large O'Brien, Councilmember-at-Large Uebbing, Councilmember-at-Large Terwilliger, Councilmember-at-Large Whitcomb and Mayor Polimeni.*

*NOES: None*

## **Local Laws:**

**Local Law #2019-001:**

Councilmember-at-Large Terwilliger read the following local law and placed it on the table.

**A LOCAL LAW AUTHORIZING A PROPERTY TAX LEVY  
IN EXCESS OF THE LIMIT  
ESTABLISHED IN GENERAL MUNICIPAL LAW §3-C**

**Section 1. Legislative Intent**

It is the intent of this local law to allow the City of Canandaigua to adopt a budget for the fiscal year commencing January 01, 2020 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law § 3-c.

**Section 2. Authority**

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes a local government’s governing body to override the property tax cap for the next fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

**Section 3. Tax Levy Limit Override**

The City Council of the City of Canandaigua, County of Ontario, is hereby authorized to adopt a budget for the fiscal year commencing January 01, 2020 that may require a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

**Section 4. Severability**

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court’s order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

**Section 5. Effective date**

This local law shall take effect immediately upon filing with the Secretary of State.

**Manager's Report:** City Manager John D. Goodwin reported the following:

- Lisk property picked up building permits
- Reviewed upcoming Special Events
- Assistant City Manager Rob Richardson’s soccer team he is coaching won his division.
- Reviewed the Bristol Street Project

**Miscellaneous:**

- Reviewed Economic Development in the City

**Adjournment**

Council Member Ward 2 Palumbo moved to adjourn the regular session at 7:51 PM. Councilmember Ward 4 Sutton seconded the motion.

*Vote Result: Carried unanimously by voice vote (9-0).*